

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

Solomon Singer,

Plaintiff,

MEMORANDUM & ORDER

19-CV-5992 (EK) (TAM)

-against-

Federal National Mortgage Association,

Defendant.

-----x

ERIC KOMITEE, United States District Judge:

Plaintiff Solomon Singer commenced this quiet-title action against Defendant Federal National Mortgage Association ("FNMA") in 2019 to cancel a mortgage loan encumbering a property located at 331 Walsh Court in Brooklyn, New York. In a Report and Recommendation ("R&R") dated August 11, 2022, Magistrate Judge Taryn Merkl recommends that I deny Singer's motion to strike FNMA's reply and grant Singer's motion for summary judgment. R&R, ECF No. 59. FNMA objected on September 1, 2022, see ECF No. 62; Singer replied on September 15, 2022. See ECF No. 66.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district

court must review *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b) (3).

I have reviewed Judge Merkl's comprehensive R&R and Defendant's objections thereto. See ECF No. 62. Notwithstanding Defendant's objections, and viewing the facts in the light most favorable to FNMA, see *Gallo v. Prudential Residential Servs., Ltd. P'ship*, 22 F.3d 1219, 1223 (2d Cir. 1994), I concur with Judge Merkl's recommendations and conclude that Singer is entitled to summary judgment. Thus, I adopt the R&R in its entirety. Singer's motion for summary judgment is GRANTED. Singer's motion to strike is DENIED, also for the reasons stated in the R&R.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: October 4, 2022
Brooklyn, New York